

Notice of Allowability

Application No.

10/562,500

Examiner

Thong Q. Nguyen

Applicant(s)

VIRAG ET AL.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment of 9/4/2007.
2. ☒ The allowed claim(s) is/are 11-20 which are renumbered as claims 1-10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

THONG NGUYEN
PRIMARY EXAMINER

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the amendment filed on 9/4/2007. It is noted that in the amendment, applicant has made changes to the abstract, the specification, the drawings and the claims. Regarding to the claims, applicant has canceled claims 1-10 and added a new set of claims, i.e., claims 11-20, into the application. A review of the device as recited in the newly-added claims 11-20 has resulted that the device of new claims has the same scope as that of the original now canceled claims, thus all pending claims 11-20 are examined in this Office action.

Oath/Declaration

2. The objection to the Oath set forth in the previous Office action is withdrawn because applicant has provided a complete mailing address for each of inventor in the application Data sheet filed on 12/27/2005.

Drawings

3. The two replacement sheets contained figures 3-7 were received on 9/4/07 and approved by the examiner. As a result, the application now contains two sheets of figures 1-2 and 8-10 as filed on 12/27/05 and two replacement sheets contained figures 3-7 as filed on 9/4/07.

4. The objections to the drawings as set forth in the previous Office action are overcome by the amendments to the drawings as filed in the amendment of 9/4/07.

Specification

5. The lengthy specification which was amended by the amendment of 9/4/07 has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

6. The objections to the specification as set forth in the previous Office action are overcome by the amendments to the specification as filed in the amendment of 9/4/07

Allowable Subject Matter

7. Claims 11-20 are allowed.

8. The following is an examiner's statement of reasons for allowance:

The slide feeding unit for a microscope as recited in the independent claim 11 is patentable with respect to the prior art, in particular, the U.S. Patent Nos. 4,427,332; 6,847,481 and 5,690,892 by the limitations related to the structure of the unit for feeding the slides. It is noted that while the use of a mechanism having means for transporting the slides in vertical direction and in horizontal direction wherein the mechanism comprises gear train, pinion/toothed rack formed on one surface of a magazine/cassette is known to one skilled in the art as can be seen in the mentioned Patents; however, the cited art does not disclose a magazine moving mechanism having a trough, shafts, driving means; lifting gears, driving worm gears, ...with their structural relationships are recited in the features thereof "a magazine moving mechanism...lifting gears" recited on lines 14-39 of the claim.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

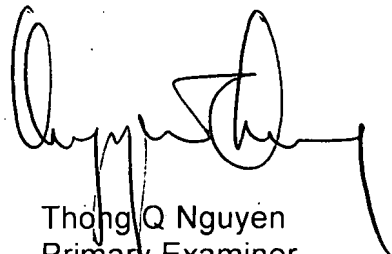
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is (571) 272-2316. The examiner can normally be reached on M-F.

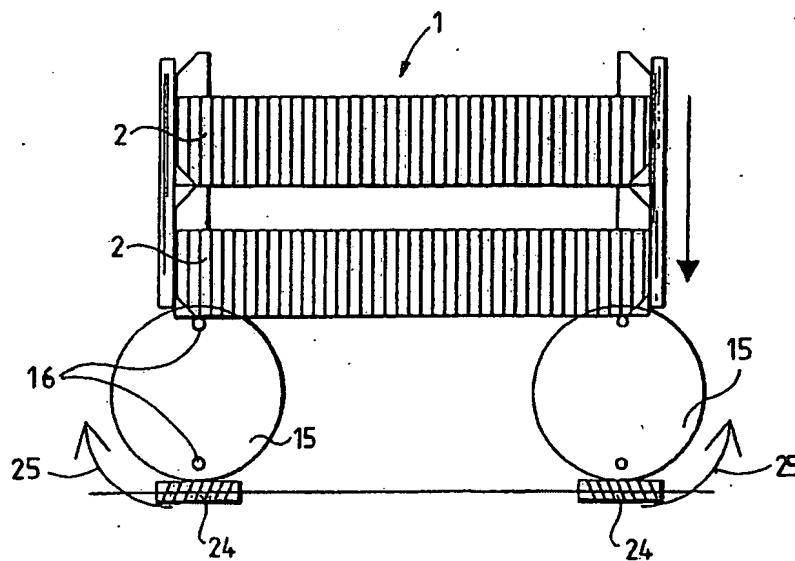
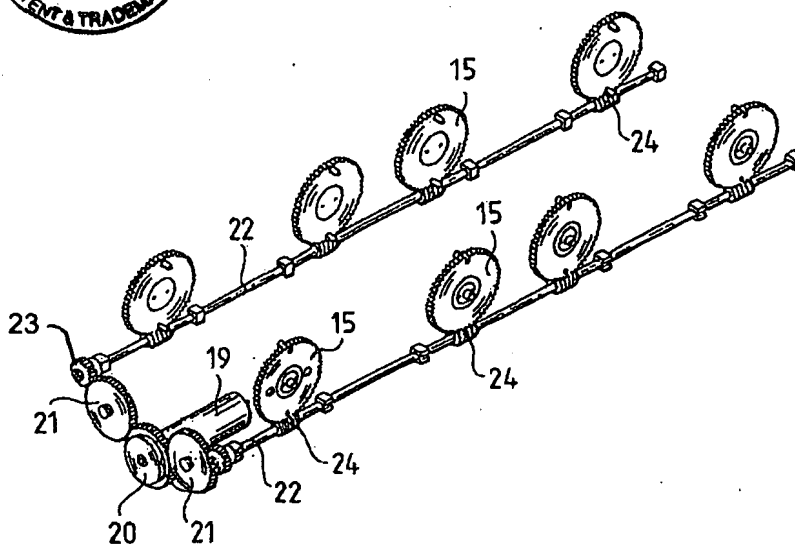
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephone B. Allen can be reached on (571) 272-2434. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thong Q. Nguyen
Primary Examiner
Art Unit 2872





*2-14-08 approved
10/10/08*

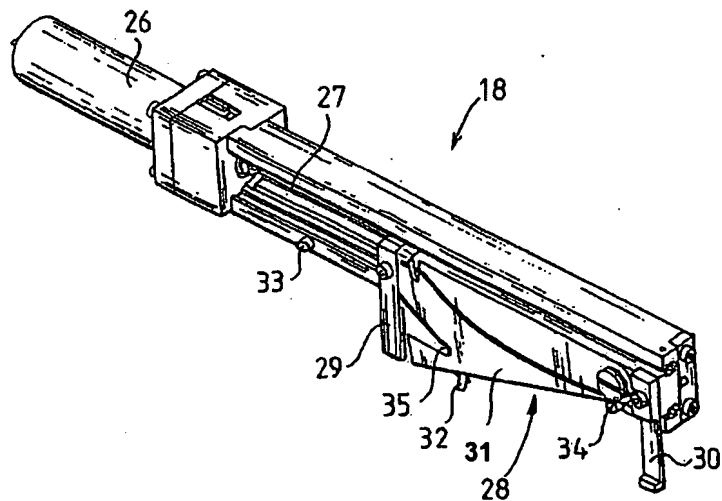


Fig. 5

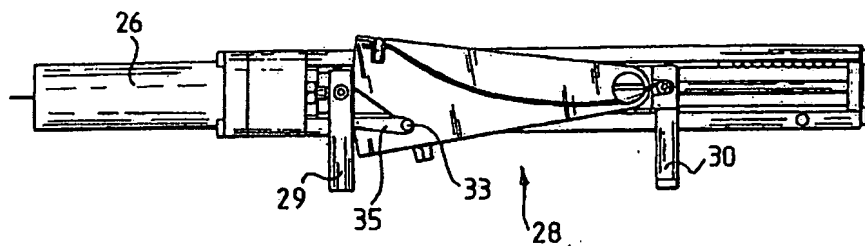


Fig. 6

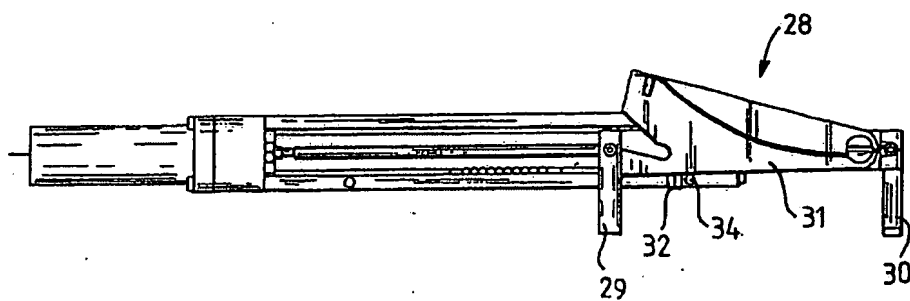


Fig. 7